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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/681,060	10/07/2003	David R. Johnson	T-6068A	7330
34014	7590 04/29/2004		EXAM	INER
CHEVRON TEXACO CORPORATION			GRIFFIN, WALTER DEAN	
P.O. BOX 60	06 N, CA 94583-0806		ART UNIT	PAPER NU MBER
. JAN KAMO			1764	

Please find below and/or attached an Office communication concerning this application or proceeding.

		KA
·	Application No.	Applicant(s)
	10/681,060	JOHNSON ET AL.
Office Action Summary	Examiner	Art Unit
	Walter D. Griffin	1764
The MAILING DATE of this communication Period for Reply	appears on the cover sheet w	ith the correspondence address
A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication - If the period for reply specified above is less than thirty (30) days, a - If NO period for reply is specified above, the maximum statutory pe - Failure to reply within the set or extended period for reply will, by st Any reply received by the Office later than three months after the meanned patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may a reply within the statutory minimum of thi riod will apply and will expire SIX (6) MOI atule, cause the application to become Al	reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on <u>0</u>	7 October 2003.	
2a) ☐ This action is FINAL . 2b) ☑ 1	This action is non-final.	
3) Since this application is in condition for allo	•	
closed in accordance with the practice und	er <i>Ex parte Quayle</i> , 1935 C.[). 11, 453 O.G. 213.
Disposition of Claims		
4) Claim(s) 41-57 is/are pending in the application of the application		
4a) Of the above claim(s) is/are with	drawn from consideration.	
5) Claim(s) is/are allowed. 6) Claim(s) <u>41-57</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction an	d/or election requirement.	
Application Papers		
9)☐ The specification is objected to by the Exam	niner.	
10)⊠ The drawing(s) filed on <u>07 October 2003</u> is/	are: a)⊠ accepted or b)□ o	bjected to by the Examiner.
Applicant may not request that any objection to	the drawing(s) be held in abeya	nce. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the con		
11)☐ The oath or declaration is objected to by the	Examiner. Note the attache	d Office Action or form PTO-152.
Priority under 35 U.S.C. § 119		
 12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 	ents have been received.	
3. Copies of the certified copies of the		• • • • • • • • • • • • • • • • • • • •
application from the International Bu	reau (PCT Rule 17.2(a)).	
* See the attached detailed Office action for a	list of the certified copies not	received.
Attachment(s) 1) X Notice of References Cited (PTO-892)	A) Interview	Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date
 Information Disclosure Statement(s) (PTO-1449 or PTO/SB Paper No(s)/Mail Date <u>10/7/03</u>. 	/08) 5)	nformal Patent Application (PTO-152)

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 52 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 52 is indefinite because the expression "the flow through reactor" in line 2 of claim 52 lacks proper antecedent basis in claim 41. It appears as if the expression should be changed to "the thermal cracking zone".

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Claims 41-57 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 27-40 of U.S. Patent No. 6,703,535.

Although the conflicting claims are not identical, they are not patentably distinct from each other because each set of claims is drawn to a process in which an F-T product is formed with the resulting wax fraction being cracked and the resulting condensate fraction being dehydrated. The patented claims include additional steps concerning the oligomerization of both the cracked wax fraction and the dehydrated condensate fraction. However, the claims of the present application do not exclude additional steps.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter D. Griffin whose telephone number is (571) 272-1447. The examiner can normally be reached on Monday-Friday 6:30 to 4:00 with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter D. Griffin Primary Examiner Art Unit 1764

WG April 23, 2004